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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

No. 1021

HANDELSVENNOOTSCHAP NORMA N.V., and BANK VOOR HANDEL EN SCHEEPVAART, N.V.,
Petitioners,

v.

ROBERT F. KENNEDY, Attorney General of the United States as Successor to the Alien Property Custodian, and

KATHRYN O'HAY GRANAHAN, Treasurer of the United States,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITIONERS' BRIEF IN REPLY TO RESPONDENTS' OPPOSITION

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Respondents, on pages 2 and 3 of their brief, refer to the disallowance of petitioners' claim by the Office of Alien Property. This matter is not part of the record in this case and wholly irrelevant to its determination. Its introduction is an attempt to prejudice petitioners by insinuating that they have already been granted an impartial hearing on the issue of true enemy status. This petitioners categorically deny. The very facts which respondents assume as the basis for enemy taint—"engaging in

extensive wartime operations in Germany"—(Respondents' Brief page 2)—are the ones petitioners urge be determined by an American tribunal. So far, petitioners have not been granted due process. All they have obtained is an administrative hearing before the confiscating agency. That agency, despite the fact that the proceedings were based entirely on stipulated facts and issues exacted from petitioners, took ten years to render a decision which was as wrong, as a matter of law, and as untenable, as a matter of common sense, as the instant assertion that Netherlands companies are enemies.

The instant petition relates to an action under section 9(a), which is the sole and exclusive remedy provided by the Trading With The Enemy Act. This action is not one for review of the administrative determination made under section 32(a). Nor does the earlier extra-judicial proceeding bind this Court in any manner, or render the necessity for review of the lower court's opinion less urgent.

CONCLUSION

Petitioners' cause is meritorious. This is the last opportunity to settle it in an American court. The petition for a writ of certiorari should therefore be granted.

Respectfully submitted.

HENRY P. DE VRIES

FRIEDRICH K. JUENGER